

REMARKS

Reconsideration of this application, as presently amended, is respectfully requested. Claims 1-4 and 6-12 are now pending in this application, claim 5 having been cancelled by the present Amendment. Claims 1-12 stand rejected.

Dependent claim 3 has been amended in independent form to include the features of independent claim 1. Dependent claim 6 has been amended in independent form to include the features of independent claim 5. Dependent claim 7 has been amended in independent form to include the features of independent claim 5.

Claim Rejection – 35 U.S.C. §102

Claims 1, 2, 5 and 7 were rejected under 35 U.S.C. §102(e) as being anticipated by **Ikeda et al.** (USP 6,957,083 B2). (It is noted that on page 2, Item 2 of the Office Action, the Examiner indicates that only claim 1 is rejected under §102 over **Ikeda et al.** However, on pages 3-4 of the Office Action, the Examiner rejects claims 2, 5 and 7 over **Ikeda et al.**). For the reasons discussed in detail below, this rejection is respectfully traversed.

Claims 1 and 2

According to the **Ikeda et al.** reference, when the mobile telephone is closed, as shown in Fig. 1b, the sound issue holes 119 arranged in the first casing 100 (corresponding to the cover cabinet of the present invention), as shown in Fig. 4, are closed with the second casing 200

(corresponding to the body cabinet of the present invention). Therefore, the surface of the second casing 200 corresponds to the closing means of the claimed invention.

However, in the **Ikeda et al.** reference, the closing means is included in the surface of the second casing 200. In contrast, according to claim 1 of the present invention, the closing means is arranged in the cover cabinet. Therefore, the **Ikeda et al.** reference and the invention recited in claim 1 differ in the position of the closing means. More specifically, **Ikeda et al.** does not disclose or suggest a “closing means for closing the sound emitting holes in a closed state of the both cabinets, *provided in the cover cabinet*,” as recited in claim 1.

With respect to claim 2, the Examiner asserts that the features recited in claim 2 are disclosed in Fig. 3, elements 300, 400 of **Ikeda et al.** Although the internal change-over switch 22 of **Ikeda et al.** may be considered to be a detection means, **Ikeda et al.** does not disclose any of the other elements recited in claim 2.

More specifically, the Examiner asserts that the coupling portion 300 and the camera portion 400 correspond to the claimed shutter mechanism and drive mechanism (see Office Action, page 3, lines 4-17). The coupling portion 300 foldably couples both casings 100, 200, and the camera portion 400 is mounted to the coupling portion for picking up images (see, e.g., col. 3, lines 50-52; col. 5, lines 64-col. 6, line 3). However, the coupling portion 300 and the camera portion 400 are completely unrelated to a shutter mechanism and a drive mechanism for the shutter mechanism.

Furthermore, the coupling portion 300 and the camera portion 400 are located on opposite sides of the casings from the sound issue holes 119 (considered to correspond to the claimed “sound emitting holes”) and do not affect the sound issue holes.

Still further, even if the Examiner considers the closing of the foldable mobile phone in **Ikeda et al.** to correspond a “closing means” (see discussion of **Ikeda et al.** reference above), **Ikeda et al.** does not disclose or suggest “a shutter mechanism” including a drive mechanism for reciprocatingly driving the shutter member between opposed faces of the sound emitting surface of the first speaker and sound emitting holes in accordance with the detection of an open state or a closed state of the cabinets. **Ikeda et al.** includes no mechanism that drives a shutter in accordance with a detection of an open state or a closed state of cabinets.

Accordingly, it is respectfully submitted that claims 1 and 2 patentably distinguish over the **Ikeda et al.** reference for the reasons set forth above.

Claims 5 and 7

Claim 7, which formerly depended from claim 5, has been amended in independent form to include the features of claim 5 and to include the feature “the first and second projections are in close contact with the seal member.” Claim 5 has been cancelled.

With respect to claim 7, the Examiner asserts that the first projection 26 corresponds to the subdisplay part 105 in Fig. 4 of **Ikeda et al.**, the second projection 27 corresponds to the intermediary holding frame 124 in Fig. 4, and the seal member 44 corresponds to the main chassis 113.

According to the **Ikeda et al.** reference, the main chassis 113 stands between the subdisplay part 105 and the intermediary holding frame 124, the subcontrol board 112 stands between the subdisplay part 105 and the main chassis 113, and the main display part 102 stands between the intermediary holding frame 124 and the main chassis 113. However, the subdisplay 105 and the intermediary holding frame 124 are not in close contact with the main chassis 113. Therefore, the main chassis 113 does not achieve a seal function, and is different from the claimed “seal member” of the present invention.

Accordingly, it is respectfully submitted that claim 7 patentably distinguishes over the **Ikeda et al.** reference for the reasons set forth above.

Claim Rejections – 35 U.S.C. §103

Claims 3 and 4 are rejected under 35 U.S.C. §103(a) as being unpatentable over **Ikeda et al.** as applied to claim 1 above, in view of **Komiyama** (US Patent Pub. No. 2004/01870705 A1). Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over **Ikeda et al.** as applied to claim 5 above, in view of **Lee** (US Patent Pub. No. 2004/0132514 A1). Claims 8-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over **Ikeda et al.** in view of **Miyashita** (USP 6,731,912). For the reasons set forth in detail below, these rejections are respectfully traversed.

Claims 3, 4 and 6

Claim 3 has been amended in independent form to include features of claim 1. Claim 4 depends from claim 3. Formerly dependent claim 6 has been amended in independent form to include the features of original independent claim 5.

Verified translations of the certified copies of the foreign priority documents are submitted herewith to remove the **Komiyama** and **Lee** references as effective prior art references against the present application because the foreign priority date(s) of the present application antedate the respective effective dates of the **Komiyama** and **Lee** references.

More specifically, the effective date of the **Komiyama** reference is its filing date, March 5, 2004. The effective date of the **Lee** reference is its filing date, December 12, 2003. However, Applicants are entitled to the benefit of the filing dates of Japanese Application No. 2003-377146 filed on November 6, 2003; Japanese Application No. 2003-379230 filed on November 10, 2003; and Japanese Application No. 2004-022113 filed on January 29, 2004.

The filing dates of all three (3) foreign priority documents antedate the effective date of the **Komiyama** reference. The filing dates of the Japanese Application No. 2003-377146 filed on November 6, 2003 and Japanese Application No. 2003-379230 filed on November 10, 2003 antedate the effective date of the **Lee** reference. It is submitted that the subject matter of claim 6, rejected in view of **Lee**, is supported by Japanese Application No. 2003-377146 and/or Japanese Application No. 2003-379230, the priority dates of which antedate the **Lee** reference.

Therefore, because relevant the foreign priority dates of the present invention antedate the effective dates of the **Komiyama** and **Lee** references, it is submitted that the submission of the

verified translations of the certified copies of the foreign priority documents remove **Komiyama** and **Lee** as effective prior art against claims 3, 4 and 6 of the present application.

Accordingly, claims 3, 4 and 6 are allowable for the reason set forth above.

Claims 8-12

With respect to claim 8, it is submitted that neither **Ikeda et al.** nor **Miyashita** disclose or suggest the claimed microphone, specifically, the claimed *“wherein the microphone is rotatably disposed at an end of the body cabinet, and capable of facing a direction deviating from the cover cabinet in a closed position with the both cabinets closed.”*

The Examiner asserts that **Ikeda et al.** discloses all claimed elements except *“wherein the microphone is rotatably disposed at an end of the body cabinet, and capable of facing a direction deviating from the cover cabinet in a closed position with the both cabinets closed.”*

The Examiner relies on **Miyashita** to disclose the features missing from **Ikeda et al.**

More specifically, the Examiner relies on Fig. 3 of **Miyashita**, which discloses a portable telephone having a movable portion 18 having a built-in microphone 20 disposed in proximity of a lower edge portion of a casing 10 (see col. 4, lines 53-56). However, although the microphone 20 of **Miyashita** is movable, **Miyashita** does not disclose or suggest that the microphone 20 is *“capable of facing a direction deviating from the cover cabinet in a closed position with the both cabinets closed.”*

In particular, the embodiment shown in Fig. 3 of **Miyashita** does not include a body cabinet and a cover cabinet. Therefore, because **Miyashita** does not include two cabinets, it is

impossible to discern from the reference whether the microphone 20 would be capable of facing a direction deviating from the cover cabinet in a closed position *with the both cabinets closed*. However, it is submitted that because the movable portion 18 moves outward from the casing 10, at best, **Miyashita** suggests that the movable portion 18 would **not** be capable of moving with both cabinets closed in **Ikeda et al.** because the movement would be blocked by the first casing 100.

Still further, in Fig. 3 of **Miyashita** reference, the microphone 20 of **Miyashita** appears movable, but the axis of rotation is vertical. Therefore, even if the body cabinet of the present invention uses this structure, it is impossible to direct the microphone 20 away from the cover cabinet in a closed state of the both cabinets.

Accordingly, it is respectfully submitted that claim 8, and claims 9-12 which depend therefrom, patentably distinguish over the **Ikeda et al.** and **Miyashita** references for the reasons set forth above.

CONCLUSION

In view of the foregoing amendments and accompanying remarks, it is submitted that all pending claims are in condition for allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.

If the Examiner believes that there are issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

Application No. 10/578,346
Art Unit: 2615

Amendment under 37 C.F.R. §1.111
Attorney Docket No.: 062512

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "William M. Schertler". The signature is fluid and cursive, with the first name "William" and last name "Schertler" being more legible than the middle initial "M".

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